IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION.

CIVIL APPLICATION NO. 699 OF 2005

IN
WRIT PETITION NO. 9891 OF 2004

Oceanic Maritine Academy ..... Applicant.

versus

Union of India & anr. ..... Respondents.

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Shri A.L. Gore for the applicant.
Shri D.A.Dube for the Union of India
Shri Anil Yadav for Respondent no.2.

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CORAM ; V.G.PALSHIKAR &
SMT. NISHITA MHATRE, JJ.

DATED; 19TH APRIL, 2005

P.C.;

1. W.P.No. 9891/04 was allowed to be withdrawn by this court on 14-1-2005 with the following order:

"Allowed to withdraw the petition with liberty to approach respondent for relaxation of conditions."

2. Accordingly the petitioner has approached the respondent for relaxation of the conditions and have received a reply which is at page 10 where the Ministry of Shipping through its Executive Officer has observed as under:

This Directorate has reconsidered your petitioner's request. Your client may be advised to approach the Directorate when they have complied with the requirement of DGS Order 1 of 2003 or the petitioner's have taken effective steps towards compliance of para 2.1 of DGS Order 1 of 2003 and submit the details of land acquisition with documentary evidence, detailed plan of action for construction of buidling with approved plan etc. Hence your petitioner may please be informed not to conduct any courses till they comply with the land requirement. Subsequently, the Directorate will consider the request sympathetically. This is required to ensure proper quality of training and to ensure that the carrier of innocent boys is not put to disadvantage by not providing suitable infrastruture and quality training."

3. From the above, it will be seen that the Ministry of Shipping in its proper sub Divisionl department has again assured that after the compliance with the requirement, the Directorate will consider the request sympathetically, the contentions in the petition being

that the condition itself is unnecessary. All these aspects have been considered by the Directorate and if the Directorate is of the opinion that it is not possible to do any further relaxation, we see no reason to interfere with our earlier order and the expert opinion of the Directorate. We see no reason why the Civil Application be entertained. It accordingly is dismissed.

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